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SERVICE DATE - DECEMBER 29, 2000

SURFACE TRANSPORTATION BOARD

DECISION<sup>1</sup>

Docket No. AB-33 (Sub-No. 96)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT--BARR-GIRARD  
LINE IN MENARD, SANGAMON AND MACOUPIN COUNTIES, IL

Decided: December 28, 2000

Union Pacific Railroad Company (UP) filed an application under 49 CFR 1152.22 to abandon approximately 38.4 miles of rail line extending from milepost 51.0 near Barr to milepost 89.4 near Girard in Menard, Sangamon, and Macoupin Counties, IL.<sup>2</sup> A decision and certificate of interim trail use or abandonment (CITU) was served and published in the Federal Register on August 12, 1996 (61 FR 41823-30) authorizing, among other things,<sup>3</sup> a 180-day period for UP to negotiate an interim trail use/rail banking agreement with various parties and governmental agencies for the 38.4-mile line of railroad. At the request of UP, the negotiating period under the CITU was extended by decisions served February 10, 1997, January 26, 1998, August 5, 1998, July 30, 1999,<sup>4</sup> August 4, 1999, January 26, 2000, and August 7, 2000. The negotiating period under the CITU is scheduled to expire on December 31, 2000.

On December 20, 2000, UP filed a request to extend the CITU negotiating period until March 1, 2001. UP states that it has been actively negotiating with the Illinois Department of Natural Resources, but that, because of issues that have arisen in recent days and the holidays, it does not appear that an agreement will be reached by December 31, 2000.

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<sup>1</sup> This proceeding is related to Finance Docket No. 32760, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company--Control and Merger--Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company (UP/SP). The common control authorized in UP/SP, Decision No. 44 (STB served Aug. 12, 1996), was consummated on September 11, 1996.

<sup>2</sup> By letter filed December 2, 1998, UP notified the Board that, on November 25, 1998, it had discontinued all common carrier rail operations over the line.

<sup>3</sup> The abandonments are subject to historic and environmental mitigating conditions imposed in UP/SP, Decision No. 44, slip op. at 281-84.

<sup>4</sup> The July 30, 1999 decision was affirmed in Missouri Pacific Railroad Company--Abandonment Exemption--Iowa Junction Line-Manchester Line In Jefferson Davis and Calcasieu Parishes, LA, Docket No. AB-3 (Sub-No. 133X) et al. (STB served Aug. 4, 1999).

Further extension of the CITU negotiating period is warranted. The requested extension will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act).<sup>5</sup> The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim trail use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The negotiating period under the CITU is extended to March 1, 2001.
4. The decision is effective on the service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

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<sup>5</sup> As noted by UP in its request, the CITU no longer covers the bridge near milepost 89.4 at the south end of the line near Girard.